

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JEREMY KENNEDY
ADC # 93061

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Plaintiff

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v. Case No. 5:05CV00104 JLH/JFF (Lead)
Case No. 5:05CV00190 (Consol.)

KIM LUCKETT

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Defendant

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ORDER

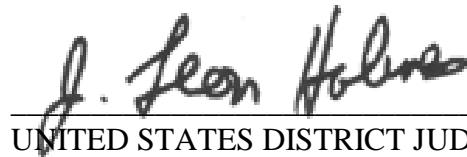
The Court has received the Proposed Recommended Disposition from Magistrate Judge John F. Forster, Jr. There have been no objections filed. After careful review of the Proposed Recommended Disposition, as well as a de novo review of the record, the Court concludes that the Proposed Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in their entirety.

Accordingly, Plaintiff's *in forma pauperis* status is revoked pursuant to 28 U.S.C. Section 1915(g) because he has three qualifying strikes and does not meet the imminent danger exception. Defendant Luckett's Motion to Dismiss is GRANTED (docket entry #8), and this action is DISMISSED WITHOUT PREJUDICE. Should Plaintiff wish to continue with this action, he must submit the required \$250.00 filing fee, along with a motion to reopen the case, within 10 days of the entry date of this Order. Upon receipt of the motion and proper payment, this action will be reopened. All remaining pending motions in the lead action, 5:05CV00104, and in the consolidated action, 5:05CV00190, are DENIED as moot.¹ The Court certifies,

¹ The pending motions in the lead action include: Motion to Appoint Counsel (docket entry #4 and #33), Motion for Preliminary Injunctive Relief (docket entry #5), Defendants'

pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal taken from a Judgment and the Order dismissing this action pursuant to 28 U.S.C. Section 1915(g) would not be taken in good faith.

IT IS SO ORDERED this 14th day of February, 2006.



J. Leon Holmes
UNITED STATES DISTRICT JUDGE

Motion for Protective Order (docket entry #13), Plaintiff's Motion to Strike (docket entry #15), Plaintiff's Motion to Compel (docket entry #26), and Defendants' Motion to Dismiss (docket entry #27). The pending motions in the consolidated action include: Plaintiff's Motion for Appointment of Counsel (docket entry #3) and his Motion for Preliminary Injunction (docket entry #4).